

### **REMARKS**

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 1, 2, 25, 29, 30, 31, 52 and 63 have been amended. New claims 70-77 have been added. Support for the amendments to the claims and the new claims may be found throughout the specification, and at least on page 14 and in Figures 4 and 5A-5B. No new matter has been added. Upon entry of the amendment, claims 1-77 will be pending in the present application with claims 1, 2, 25, 29, 30, 31, 52 and 63 being independent.

Applicants thank Examiner Broadhead for the courtesies extended to Applicants' representative, Sung Kim, during a telephone interview on February 9, 2005. The substantive points of that interview are incorporated in the following remarks.

#### **1. Double Patenting Rejection**

The Office Action provisionally rejects claims 1-67 and 69 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 7-16, 20-22 and 27-34 of copending Application No. 09/804,888. The Office Action also provisionally rejects claim 68 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 7-16, 20-22 and 27-34 of copending Application No. 09/804,888 in view of Lin et al.

Applicants may submit a terminal disclaimer with respect to claims 1-69 in the present application upon issuance of Application No. 09/804,888.

#### **2. Rejection of Claims 1-67 and 69 Under 35 U.S.C. §103**

The Office Action rejects claims 1-67 and 69 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,295,492 to Lang et al. ("Lang") in view of U.S. Patent 5,808,907

to Shetty et al. ("Shetty"). Applicants respectfully traverse this rejection.

**a) The Lang Reference**

Lang discloses a system for transmitting, collecting and displaying diagnostic and operational information from one or more motor vehicles using a central server connected to a wide-area network (see abstract). The system includes an on-board translator device 14 capable of being connected to an existing OBD-II connector plug 8 and translating diagnostic test signals into diagnostic service codes presented in ASCII files capable of being used by a personal computer (see col.2, lines 27-31; col. 3, lines 13-17). Therefore, the translation described in Lang occurs on-board a vehicle. An on-board computer connects to a wireless communication means that continuously or intermittently transmits the ASCII files to a central network server, which collects the ASCII text files in a user database (see col. 2, lines 32-37). Authorized users may connect to the central network server and receive information from the user database (see col. 2, lines 37-41). Therefore, Lang discloses a system that collects and wirelessly transmits vehicle-generated data, and then displays these exact same data on a simple interface. However, Lang does not disclose or suggest wirelessly receiving data by a computer system from a vehicle and processing the received data with the computer system to generate diagnostic or location information that is at least in part **derived from the received data**. Nor does Lang disclose or suggest generated information that comprises at least one of vehicle status reports and vehicle service recommendations.

**b) The Shetty Reference**

Shetty discloses a method for providing information relating to a machine to a user. Shetty teaches a notification means 112 that may be used to notify a user using a facsimile report 122, an email report 114, and a pager report 116 (see col. 2, lines 38-48). However, Shetty lacks any description of web-based systems, let alone using such systems to receive and process data to generate diagnostic or location information that is derived from the received data, and then

displaying the derived diagnostic or location information on a website. Further, Shetty fails to disclose or suggest generated information that comprises at least one of vehicle status reports and vehicle service recommendations. In fact, Further, Shetty fails to describe the contents of the reports 114, 116 and 122. Therefore, Shetty fails to cure the deficiencies of Lang as described above.

**c) Claims 1-67 and 69 Distinguish Over Lang and Shetty**

In contrast to Lang and Shetty, claims 1, 2, 25, 29, 30, 31, 52 and 63 of the present application include, in some form, processing data with a computer system to generate diagnostic or location information that is at least in part derived from received data, wherein the generated information comprises at least one of vehicle status reports and vehicle service recommendations.

As discussed above, Lang and Shetty, alone or in combination, do not disclose or suggest these claim elements. Accordingly, claims 1, 2, 25, 29, 30, 31, 52 and 63, and their respective dependent claims, are allowable.

**3. Rejection of Claim 68 Under 35 U.S.C. §103**

The Office Action rejects claim 68 of the present invention, under 35 U.S.C. §103(a) as being unpatentable over Lang in view of Shetty as applied to claims 1-67, and further in view of U.S. Patent 6,400,701 to Lin et al. ("Lin"). Applicants respectfully traverse this rejection.

Lin discloses a telecommunications network including communicating packet data in Fixed Wireless Access networks. However, Lin fails to disclose or suggest a first interface and a second interface displaying information that is at least in part derived from data wirelessly received by a computer system from a vehicle, and wherein the information comprises at least one of vehicle status reports and vehicle service recommendations, as included in base independent claim 63. Therefore, Lin fails to cure the deficiencies of Lang and Shetty as described above with respect to claim 63. Accordingly, claim 68, which depends from claim 63,

is allowable.

**4. New Claims 70-77**

New claims 70-77 depend from independent claims 1, 2, 25, 29, 30, 31, 52 and 63. As discussed above, Lang, Shetty and Lin, alone or in combination, do not disclose or suggest one or more claim elements in claims 1, 2, 25, 29, 30, 31, 52 and 63. Accordingly, new dependent claims 70-77 are allowable.

**5. Conclusion**

In view of the above, claims 1-77 clearly recite elements that are neither disclosed nor suggested by the prior art including Lang, Shetty and Lin, alone or in combination. Applicants submit that such claims are allowable for at least this reason. Accordingly, reconsideration and withdrawal of the rejections are requested.

Applicants submit that the present application is in condition for allowance and requests favorable action in the form of a Notice of Allowance. Should the Examiner believe that this application is in condition for disposition other than allowance, the Examiner is invited to contact the undersigned at the telephone number listed below in order to address the Examiner's concerns.

Please apply any necessary additional charges or credits to Deposit Account 50-1721.

Date: \_\_\_\_\_

25 Feb 05

Respectfully submitted,

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